

# Application for an adoption order (excluding a Convention adoption order) where the child is habitually resident outside the British Islands and is brought into the United Kingdom for the purposes of adoption

Section 46 Adoption and Children Act 2002

Name of court	
Case no./Serial no.	
Date received by the court	
Date issued	
Fee charged/Remission ID	

## Notes to applicants

This form can be used where:

- a child who is habitually resident outside the British Islands is brought into the United Kingdom for the purpose of adoption by a British resident; or
- a child adopted by a British resident under the law of any country or territory outside the British Islands is brought into the United Kingdom and the British resident wants to apply for an adoption order, and the application is not for a Convention adoption order.

However, you will need to complete Form A61 (Application for parental responsibility prior to adoption abroad) if you intend to adopt a child who is habitually resident in the United Kingdom (or who is a Commonwealth citizen) in a place outside of the British Islands (and provided you do not already have an order to remove the child under the Adoption and Children (Scotland) Act 2007 and the Adoption (Scotland) Act 1978 or the Adoption (Northern Ireland) Order 1987).

Before filling in this form, please read the guidance notes on completing the form.

Please complete every Part. If you are not sure of the answer to any question, or you do not think that it applies to you, please say so.

If there is not enough room on the form for your reply, you may continue on a separate sheet. Please put the child's full name, the number of the Part and the paragraph reference at the head of the continuation sheet.

Please use black ink when filling in the form.

I/We the undersigned \_\_\_\_\_

(and \_\_\_\_\_ )

wish to adopt \_\_\_\_\_

See Note 1

and give the following details in support of my/our application

I/We want my/our identity to be kept confidential and wish to apply for a serial number

☐ Yes

☐ No

See Note 2

## Part 1 About you

### First applicant

a) Title

☐ Mr

☐ Mrs

☐ Miss

☐ Ms

☐ Other \_\_\_\_\_

b) My name is

First name(s) in full

Last name

c) My address is (including postcode)

d) My telephone number is

e) My date of birth is

f) My nationality is

g) My occupation is

h) I am

☐ Male

☐ Female

i) My relationship to the child is

### Second applicant

a) Title

☐ Mr

☐ Mrs

☐ Miss

☐ Ms

☐ Other \_\_\_\_\_

b) My name is

First name(s) in full

Last name

c) My address is (including postcode)

d) My telephone number is

e) My date of birth is

f) My nationality is

g) My occupation is

h) I am

☐ Male

☐ Female

i) My relationship to the child is

See Note 3

See Note 4

See Note 5

j) My/Our solicitor in these proceedings is

Name of solicitor			
Name of firm			
Address (including postcode)			
Telephone no.		Fax no.	
DX no.			
Solicitor's account fee no.			
E-mail address			

### Domicile and habitual residence

See Note 6

k) ☐ I am/We are/One of us, namely

is domiciled in a part of the British Islands.

or

☐ I have/We have both been habitually resident in a part of the British Islands for a period of at least one year, ending with the date of this application.

### Status

If you are applying to adopt as a couple, please go straight to **Part 2 About the Child**. Paragraphs (l) to (r) do not apply to you

If you are applying to adopt alone, please tick the box at (l) to (r) below that applies to your circumstances. **If you tick (l), (m), (q) or (r), please give the additional information asked for.**

l) ☐ I am the partner of the child's  
☐ Father ☐ Mother  
or other parent

If you have ticked box (l), please go straight to Part 2 About the Child. Paragraphs (m) to (r) do not apply to you.

See Note 7

m) ☐ I am the partner (not the spouse or civil partner) of a person who is not the child's parent and I am applying to adopt alone because:

If you have ticked box (m), please go straight to Part 2 About the Child. Paragraphs (n) to (r) do not apply to you.

See Note 8

(please give reasons below, continuing on a separate sheet if necessary)

- n) ☐ I am not married/I do not have a civil partner ▶ See Note 9  
**or**
- o) ☐ I am divorced/my civil partnership has been dissolved ▶ See Note 9  
**or**
- p) ☐ I am a widow/a widower/a surviving civil partner ▶ See Note 9  
**or**
- q) ☐ I am married/I have a civil partner, and I can satisfy the court that: ▶ See Note 10
- ☐ my spouse/civil partner cannot be found  
**or**
- ☐ I have separated from my spouse/civil partner, we are living apart and the separation is likely to be permanent  
**or**
- ☐ my spouse/civil partner is physically incapable of making an application or lacks capacity (within the meaning of the Mental Capacity Act 2005) to do so.  
**or**
- r) ☐ I am applying alone for an adoption order in respect of my own child and I can satisfy the court that ▶ See Note 11
- ☐ the other natural parent has died  
**or**
- ☐ the other natural parent cannot be found  
**or**
- ☐ by virtue of section 28 of the Human Fertilisation and Embryology Act 1990, (disregarding subsections (5A) to (5I) of that section) and sections 34 to 47 of the Human Fertilisation and Embryology Act 2008 (disregarding sections 39, 40 and 46 of that Act) there is no other parent.  
**or**
- ☐ the other natural parent's exclusion from this application is justified (please give reasons below)

## Part 2 About the child

- a) The child is a ☐ Boy ☐ Girl
- b) The child was born on **or** To the best of my/our knowledge the child was born on or about ▶ See Note 12
- and is the person to whom the attached certified copy of the entry in the Register of Live Births/Register of Adopted Children relates
- in (give place and country of birth)
- 
- c) The child's nationality is

**Note:** Please complete the following statements. Otherwise delete the following statements:

See Note 13

- ☐ The Child is habitually resident in a country outside the British Islands
- ☐ The Child is not a British citizen, however, the Department for Education has certified to the foreign authority that the child is authorised to enter and will be authorised to reside permanently in the United Kingdom if an adoption order is made.
- ☐ I attach a copy of the relevant notification letter from the Department Education.

d) I/we confirm that the child is not and has never been married or a civil partner

See Note 14

☐ Yes ☐ No

e) The child has had his/her home with me/us continuously since

See Note 15

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f) I/we have notified in writing my/our local authority of my/our intention to apply for an adoption order (give details below)

See Note 16

Name of local authority	
Address (including post code)	
Date notified	
Name of your contact in the local authority	
Telephone no.	

### Care

g) ☐ No local authority or voluntary organisation has parental responsibility for the child

**or**

☐ The following local authority/voluntary organisation has parental responsibility for the child:

Name of local authority or voluntary organisation	
Address (including post code)	
Name of your contact in the authority/organisation	
Telephone no.	

## Maintenance

- h) ☐ No maintenance order/agreement or award of child support maintenance by the Child Support Agency has been made in respect of the child

See Note 17

or

- ☐ The following maintenance order/agreement/award of child support maintenance has been made

Person liable to pay maintenance	
Address (including post code)	

Court and date of order	
Date of maintenance agreement/child support maintenance award	

## About other orders or proceedings that affect the child

- i) ☐ To the best of my/our knowledge, no proceedings relating to the child (other than any maintenance order as given above) have been completed or commenced in any court, whether in the United Kingdom or elsewhere

See Note 18

or

- ☐ The following proceedings relating to the child have been completed/commenced (in addition to any maintenance order given above)

Type of order made (or applied for)	Date of order (or date of next hearing)	Name of court (and country, if not in the UK)	Case number (or serial number)

## Cases concerning a related child

- j) ☐ To the best of my knowledge, no proceedings relating to a full, half or step brother or sister of the child have been completed or commenced in any court, whether in the United Kingdom or elsewhere.

or

- ☐ The following proceedings relating to a full, half or step brother or sister of the child have been completed/commenced (please give details below and, if you were a party to any proceedings that have been completed, attach a copy of the final order)

Relationship to child (eg. sister, half-brother)	Type of order made (or applied for)	Date of order (or date of next hearing)	Name of court (and country, if not in the UK)	Case number (or serial number)

### Part 3 About the child's parents or guardian

#### The child's mother

a) The name of the child's mother

First name(s) in full

Last name

b) Her address is (if deceased, please write 'Deceased' in the address box)

c) Her nationality is

#### The child's father or other parent

d) What is their relationship to the child?

☐ Father

☐ Other parent

The name of the child's father or other parent

First name(s) in full

Last name

e) Address is (if deceased, please write 'Deceased' in the address box)

f) Nationality is

See Note 19

#### The child's guardian

g) The name of the child's guardian is

First name(s) in full

Last name

h) His/Her address is

See Note 20

## Parent/guardian consent to adoption

See Note 21

See Note 22

- i) ☐ The child's parent(s)/guardian(s) has/have consented to the making of an adoption order

or

- ☐ The following parent(s)/guardian(s) of the child has/have not consented to the making of an adoption order (give name(s) below)

and I/we ask the court to dispense with his/her/their consent on the following grounds: (please tick the grounds that apply)

- ☐ he/she/they cannot be found
- ☐ he/she/they lack capacity (within the meaning of the Mental Capacity Act 2005) to give consent
- ☐ the welfare of the child requires it.

You must attach a brief statement of facts (and two copies of the statement) setting out a summary of the history of the case and any other facts to satisfy the court that the grounds for your request apply.

**IMPORTANT:** The court will send a copy of your statement of facts to each parent or guardian of the child. If you intend to ask the court to keep your identity confidential, you should make sure that the statement of facts does not include any information that could identify you, where you live, or where the child goes to school or nursery.



## Part 4 General

### Child's name on adoption

See Note 23

If the adoption order is made, I/We want the child to be known as

First name(s) in full

Last name

### Health reports

See Note 24

Separate reports on my/our health and the health of the child made by a registered medical practitioner on (give date(s))

are attached to this application.

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### Declarations

I/We have not received or given payment or reward in respect of the proposed adoption (except as follows:) (give details below)

To the best of my/our knowledge, only the person(s) or organisation(s) named in Part 2 of this application have taken part in the arrangements for the child's adoption.

## Part 5 Statement of truth

Proceedings for contempt of court may be brought against a person who makes or causes to be made, a false statement in a document verified by a statement of truth.

I believe that the facts stated in this application are true.

I believe that the facts stated in this application are true.

### Signature of first applicant

### Signature of second applicant

Print full name

Print full name

Signed

Signed

Date

Date

### If you attend the court for a hearing

1. Do you/either of you have a disability for which you require special assistance or special facilities?

☐ Yes ☐ No

If Yes, please say what your needs are below  
(the court staff will get in touch with you about your requirements)

2. Do you/either of you want to use the services of an interpreter?

☐ Yes ☐ No

If Yes, please specify which language  
(court staff will get in touch with you about your requirements)

3. Are there any dates on which you know you will not be able to attend the court, or any particular dates that would especially suit you? If so, please give details below

Unavailable dates	Preferred dates

(Please note that, although the court will try to fit in with your preferences, it may not be always be possible to do so)

## What to do now

Once you have completed and signed this form, you should take or send the form **and three copies** to the court, together with the court fee\* and the following documents:

- a certified copy of the child's original birth certificate, any abandonment certificate, or where the child has been adopted, a certified copy of the entry in the register of adoptions as recognised in the State of origin or a certified copy of the adoption certificate;
- if you are asking the court to dispense with the consent of any parent or guardian to the adoption, a brief statement of facts relied on in support of the request, **and two copies** of the statement;
- if you were a party to the proceedings, a copy of any final order relating to the child that has effect and, if possible, a copy of any maintenance agreement or maintenance award relating to the child;
- if you were a party to the proceedings, a copy of any final order relating to a full, half or step brother or sister of the child that has effect;
- reports by a registered medical practitioner on the health of the child and the applicant(s) covering the matters specified in the Practice Direction 'Reports by a registered medical practitioner ("health reports")', **and two copies** of the reports.

Note: you do not have to supply health reports if:

- the child was placed with you for adoption by an adoption agency, or
- he/she is your child, or the child of the other applicant, or
- you are applying alone as the partner (including the spouse or civil partner) of the child's mother or father or other parent;
- where a parent of the child has died, a certified copy of the entry in the Register of Deaths;
- if you are submitting evidence of marriage or civil partnership, a certified copy of the entry in the Register of Marriages or the Register of Civil Partnerships;
- where your spouse or civil partner has died, a certified copy of the entry in the Register of Deaths;
- a copy of any decree absolute of divorce or decree of nullity of your marriage;
- in relation to a civil partnership, a copy of any dissolution order or nullity order of your civil partnership;
- any documentary evidence supporting the reasons why you are applying to adopt the child without your spouse or civil partner, such as a decree of judicial separation;
- the notification letter from the Department for Education that they have issued a "certificate of eligibility" to the foreign authority and that the child is authorised to enter and remain and will be authorised to reside permanently in the United Kingdom if an adoption order is made;
- if your name as entered on the application form is different from the name shown on any evidence of marriage or civil partnership you are sending with your application, any documentary evidence to explain the difference.

### Attach two photocopies of each of the following:

- Photo page of the child's passport
- Page showing date of entry stamp by Immigration on child's passport

### Attach two photocopies of each of the following:

- Photo page of passport of each of the applicants
- any Visa, if applicable
- any page showing date of entry stamp by Immigration on passport, if applicable

You should normally make your application to the Designated Family Centre for your area. You can find this, and a full list of courts and what type of work they do online at [courttribunalfinder.service.gov.uk](http://courttribunalfinder.service.gov.uk)

You may need to pay a fee with your application. You should read leaflet EX50 Civil and family court fees to find out what fee, if any, you need to pay. This leaflet is available from your local court or online at [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

You may be exempt from paying all or part of the fee. The combined booklet and application form 'EX160A Court Fees - Do you have to pay them' gives more information. This leaflet is available from your local court or online at [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)